

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

ONSTREAM MEDIA CORPORATION,

Plaintiff,

v.

HAIVISION SYSTEMS, INC.,

Defendant.

Case No. 6:21-cv-00684

Jury Trial Demanded

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Onstream Media Corporation (“Onstream”) files this Complaint against Haivision Systems, Inc. (“Haivision”) for patent infringement of United States Patent Nos. 9,161,068; 9,467,728; 10,038,930; 10,200,648; 10,674,109; 10,694,142; and 10,848,707 (the “patents-in-suit”) and alleges as follows:

NATURE OF THE ACTION

1. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. §§ 1 *et seq.*

THE PARTIES

2. Onstream is a corporation organized under laws of the State of Florida with its principal place of business at 1451 W. Cypress Creek Rd., No. 204, Ft. Lauderdale, FL 33309.

3. On information and belief, Haivision is a company organized and existing under the laws of Canada with its principal place of business at 4445 Garand Street, Saint Laurent, Quebec, Canada.

4. On information and belief, Defendant acts in concert to design, manufacture, sell, offer for sale, import, distribute, advertise, and/or otherwise promote the accused infringing method, products and services in the United States, the State of Texas, and this judicial district.

JURISDICTION AND VENUE

5. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a) because this action arises under the patent laws of the United States, 35 U.S.C. §§ 1 *et seq.*

6. Haivision is subject to this Court's personal jurisdiction, in accordance with due process and/or the Texas Long Arm Statute because, in part, Haivision has "commit[ted] a tort in whole or in part in this state." *See* Tex. Civ. Prac. & Rem. Code § 17.042.

7. This Court also has personal jurisdiction over Defendant because Defendant has sufficient minimum contacts with this forum as a result of business conducted within the State of Texas and this judicial district. In particular, this Court has personal jurisdiction over Defendant because, *inter alia*, Defendant, on information and belief (directly and/or through its subsidiaries, affiliates, or intermediaries), have substantial, continuous, and systematic business contacts in this judicial district, and

derive substantial revenue from goods and services provided to individuals in the State of Texas and this judicial district.

8. Defendant (directly and/or through its subsidiaries, affiliates, or intermediaries) have purposefully availed themselves of the privileges of conducting business within the State of Texas and in this judicial district, has established sufficient minimum contacts with this judicial district such that it should reasonably and fairly anticipate being hauled into court in this judicial district, has purposefully directed activities at residents of this judicial district, and at least a portion of the patent infringement claims alleged in this Complaint arise out of or are related to one or more of the foregoing activities.

9. Venue is proper as to Defendant, which are organized under the laws of Canada. 28 U.S.C. § 1391(c)(3) provides that “a defendant not resident in the United States may be sued in any judicial district, and the joinder of such a defendant shall be disregarded in determining where the action may be brought with respect to other defendants.”

United States Patent No. 9,161,068

10. On October 13, 2015, the United States Patent and Trademark Office (“USPTO”) duly and legally issued United States Patent No. 9,161,068 (“the ‘068 patent”) entitled “Remotely Accessed Virtual Recording Room” to inventor Gregory Duane Ellis.

11. The ‘068 patent is presumed valid under 35 U.S.C. § 282.

12. Onstream owns all rights, title, and interest in the ‘068 patent.

13. On information and belief, Onstream has not granted Haivision an approval, an authorization, or a license to the rights under the '068 patent.

14. The '068 patent relates to, among other things, an audio and video stream recording, storage, and delivery system.

15. The claimed invention(s) of the '068 patent sought to solve problems with, and improve upon, existing audio and video recording, storage, delivery systems. For example, the '068 patent states:

Unfortunately, new systems and methods for increasing the capabilities of online business-related communications and transactions often result in increased intellectual complexity and/or increased computer system requirements. This tendency is undesirable because another main avenue for increasing the productivity of online business-related communications and transactions is to increase the number of people who are participating in these online business-related transactions.

See '068 Specification at col. 1, ll. 31-39.

16. The '068 patent then states:

Accordingly, it would be highly valuable if any new systems and methods for increasing the capabilities of online business-related communications and transactions also could be simple enough to help attract new users to the online business market and also not have extensive computer system requirements.

See '068 Specification at col. 1, ll. 39-44.

17. The '068 patent then also states:

Accordingly, there has been a long existing need for a system that improves the level of communication possible with respect to online business-related transactions. Further, there is a continuing need for an improved system and/or method that is simple, efficient, and does not have extensive computer system requirements. Accordingly, those skilled in the art have long recognized the need for a system and method that addresses these and other issues.

See '068 Specification at col. 1, ll. 45-52.

18. The invention(s) claimed in the '068 patent solves various technological problems inherent in the then-existing audio and video recording, storage, and delivery systems and enables audio and video recording, storage, and delivery systems to, among other things, (1) function more efficiently, (2) lower the required level of expertise for users of such systems, (3) avoid the need to install and burden front end computer and electronic devices with additional software, (4) reduce or eliminate entirely the need for local memory storage devices and other specialized recording equipment, and (5) reduce or eliminate other hardware and software requirements inherent in prior art audio and video recording and distribution systems.

United States Patent No. 9,467,728

19. On October 11, 2016, the USPTO duly and legally issued United States Patent No. 9,467,728 ("the '728 patent") entitled "Remotely Accessed Virtual Recording Room" to inventor Gregory Ellis.

20. The '728 patent is presumed valid under 35 U.S.C. § 282.

21. Onstream owns all rights, title, and interest in the '728 patent.

22. Onstream has not granted Haivision an approval, an authorization or a license to the rights under the '728 patent.

23. The '728 patent relates to, among other things, an audio and video stream recording, storage, and delivery system.

24. The specification of the '728 patent is the same as the '068 patent specification, and solves the problems recited above and described in the '728 patent specification.

United States Patent No. 10,038,930

25. On July 31, 2018 the USPTO duly and legally issued United States Patent No. 10,038,930 ("the '930 patent") entitled "Remotely Accessed Virtual Recording Room" to inventor Gregory Duane Ellis.

26. The '930 patent is presumed valid under 35 U.S.C. § 282.

27. Onstream owns all rights, title, and interest in the '930 patent.

28. Onstream has not granted Haivision an approval, an authorization or a license to the rights under the '930 patent.

29. The '930 patent relates to, among other things, an audio and video stream recording, storage, and delivery system.

30. The specification of the '930 patent is the same as the '068 patent specification, and solves the problems recited above and described in the '930 patent specification.

United States Patent No. 10,200,648

31. On February 5, 2019, the USPTO duly and legally issued United States Patent No. 10,200,648 ("the '648 patent") entitled "Remotely Accessed Virtual Recording Room" to inventor Gregory Duane Ellis.

32. The '648 patent is presumed valid under 35 U.S.C. § 282.

33. Onstream owns all rights, title, and interest in the '648 patent.

34. Onstream has not granted Haivision an approval, an authorization or a license to the rights under the '648 patent.

35. The '648 patent relates to, among other things, an audio and video stream recording, storage, and delivery system.

36. The specification of the '648 patent is the same as the '068 patent specification, and solves the problems recited above and described in the '648 patent specification.

United States Patent No. 10,674,109

37. On June 2, 2020, the USPTO duly and legally issued United States Patent No. 10,674,109 ("the '109 patent") entitled "Remotely Accessed Virtual Recording Room" to inventor Gregory Duane Ellis.

38. The '109 patent is presumed valid under 35 U.S.C. § 282.

39. Onstream owns all rights, title, and interest in the '109 patent.

40. Onstream has not granted Haivision an approval, an authorization or a license to the rights under the '109 patent.

41. The '109 patent relates to, among other things, an audio and video stream recording, storage and delivery system.

42. The specification of the '109 patent is the same as the '068 patent specification, and addresses and solves the problems recited above and described in the '109 patent specification.

United States Patent No. 10,694,142

43. On June 23, 2020, the USPTO duly and legally issued United States Patent No. 10,694,142 (“the ‘142 patent”) entitled “Remotely Accessed Virtual Recording Room” to inventor Gregory Duane Ellis.

44. The ‘142 patent is presumed valid under 35 U.S.C. § 282.

45. Onstream owns all rights, title, and interest in the ‘142 patent.

46. Onstream has not granted Haivision an approval, an authorization or a license to the rights under the ‘142 patent.

47. The ‘142 patent relates to, among other things, an audio and video stream recording, storage and delivery system.

48. The specification of the ‘142 patent is the same as the ‘068 patent specification, and addresses and solves the problems recited above and described in the ‘142 patent specification.

United States Patent No. 10,848,707

49. On November 24, 2020, the USPTO duly and legally issued United States Patent No. 10,848,707 (“the ‘707 patent”) entitled “Remotely Accessed Virtual Recording Room” to inventor Gregory Duane Ellis.

50. The ‘707 patent is presumed valid under 35 U.S.C. § 282.

51. Onstream owns all rights, title, and interest in the ‘707 patent.

52. Onstream has not granted Haivision an approval, an authorization or a license to the rights under the ‘707 patent.

53. The '707 patent relates to, among other things, an audio and video stream recording, storage and delivery system.

54. The specification of the '707 patent is the same as the '068 patent specification, and addresses and solves the problems recited above and described in the '707 patent specification.

CLAIMS FOR RELIEF

Count I - Infringement of United States Patent No. 9,161,068

55. Onstream repeats, realleges, and incorporates by reference, as if fully set forth here, the allegations of the preceding paragraphs above.

56. On information and belief, Haivision (or those acting on its behalf) makes, uses, and provides haivision.com and sells and/or offers to sell products and services in the United States that use Haivision as a feature or component. Haivision, as well as the hardware and software components comprising the system that enables the Haivision service to operate, including but not limited to servers, server software, client software, and other computer systems and components (the "Haivision System"), infringes (literally and/or under the doctrine of equivalents) at least claim 1 of the '068 patent.

57. On information and belief, one or more components of the Haivision System employs and provides a method that records audio and video material over an Internet browser connection established between a user front end and a host back end.

Stream and record video from up to 50 different cameras, allowing you to deliver multiple angles of important procedures.

See <https://www.haivision.com/solutions/performance-recording/>

With a modern, HTML5 browser-based intuitive interface, getting access to content has never been easier for your employees. Haivision Media Platform is also IT friendly as it's simple to configure and manage from anywhere with an active connection to the enterprise network. Web-based management of set-top boxes also allows you to change channels, set volume, reboot, troubleshoot, and display emergency messaging on some, any or all of your set-top boxes, enterprise-wide.

See <https://www.haivision.com/blog/enterprise-video-answers/8-reasons-why-haivision-media-platform-is-the-most-complete-enterprise-video-solution/>

58. On information and belief, one or more components of the Haivision System can either be accessed through an Internet browser on a desktop computer or a mobile device.

With a modern, HTML5 browser-based intuitive interface, getting access to content has never been easier for your employees. Haivision Media Platform is also IT friendly as it's simple to configure and manage from anywhere with an active connection to the enterprise network. Web-based management of set-top boxes also allows you to change channels, set volume, reboot, troubleshoot, and display emergency messaging on some, any or all of your set-top boxes, enterprise-wide.

See <https://www.haivision.com/blog/enterprise-video-answers/8-reasons-why-haivision-media-platform-is-the-most-complete-enterprise-video-solution/>

59. On information and belief, when a user wants to begin streaming using Haivision, one or more components of the Haivision System delivers a code, which can be executed by a browser.

60. On information and belief, one or more components of the Haivision System delivers a code that enables the streaming of audio and video material.

61. On information and belief, one or more components of the Haivision System delivers a browser-executable-code that is a browser independent recording application that initiates the audio and video stream to be recorded.

Stream and record video from up to 50 different cameras, allowing you to deliver multiple angles of important procedures.

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With a modern, HTML5 browser-based intuitive interface, getting access to content has never been easier for your employees. Haivision Media Platform is also IT friendly as it's simple to configure and manage from anywhere with an active connection to the enterprise network. Web-based management of set-top boxes also allows you to change channels, set volume, reboot, troubleshoot, and display emergency messaging on some, any or all of your set-top boxes, enterprise-wide.

See <https://www.haivision.com/blog/enterprise-video-answers/8-reasons-why-haivision-media-platform-is-the-most-complete-enterprise-video-solution/>

62. On information and belief, one or more components of the Haivision System delivers a code that is executed through a browser at the user front end.

63. On information and belief, one or more components of the Haivision System uses an Internet connection.

Haivision's Secure Reliable Transport (SRT) streaming protocol is designed to provide reliable and secure end-to-end transport between two SRT-enabled devices (such as a Makito X encoder or Media Gateway and Haivision Media Platform) over a link which traverses the public Internet. SRT optimizes video streaming performance across unpredictable Internet networks, recovering from packet loss, jitter, network congestion and bandwidth fluctuations that can severely affect the viewing experience.

See <https://doc.haivision.com/HMP3.4/administrator-s-guide/configuring-hmp/managing-sources/configuring-secure-reliable-transport-srt-sources?searchTerm=internet>

64. One or more components of the Haivision System employs and provides a method wherein audio and video material is streamed over the Internet as the audio and video material is captured by a recording device.

Haivision Media Platform Workgroup is a powerful IP video management solution for managing operational content and enabling critical live monitoring, recording, and aggregation of high-quality full motion video (FMV). With low latency, multi-view playback, and secure multi-site live video distribution, Haivision Media Platform Workgroup is ideally suited for command and control, situational awareness, and after action reporting.

See <https://www.haivision.com/products/haivision-media-platform/workgroup-edition/>

65. One or more components of the Haivision System uses and provides a method wherein audio and video material is captured without using any recording software installed on the user front end.

With a modern, HTML5 browser-based intuitive interface, getting access to content has never been easier for your employees. Haivision Media Platform is also IT friendly as it's simple to configure and manage from anywhere with an active connection to the enterprise network. Web-based management of set-top boxes also allows you to change channels, set volume, reboot, troubleshoot, and display emergency messaging on some, any or all of your set-top boxes, enterprise-wide.

See <https://www.haivision.com/blog/enterprise-video-answers/8-reasons-why-haivision-media-platform-is-the-most-complete-enterprise-video-solution/>

MONTREAL and CHICAGO — March 28, 2013 — Haivision today announced Calypso™, a media capture and management platform for viewing, recording and sharing live video content to empower mission-critical decision making, collaboration and assessment. Ideally suited to simulation, skills assessment and training applications, Calypso enables users to quickly turn live activities and events into media assets by capturing and sharing live and on-demand content in real-time.

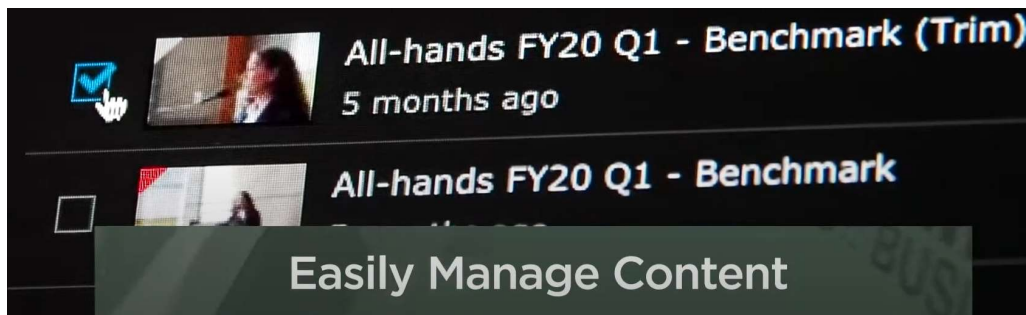
See <https://www.haivision.com/about/press-releases/new-network-video-recording-media-management-platform-calypso/>

66. On information and belief, one or more components of the Haivision System uses and provides a method that does not require transmission of a complete audio and video file from the user front end. Rather, on information and belief, a stream

of audio and video material is transmitted to one or more components of the Haivision System as the audio and video material is being captured.

67. On information and belief, one or more components of the Haivision System uses and provides a method wherein the audio and video recordings are made and stored on the host back end as a complete file.

68. On information and belief, one or more components of the Haivision System uses and provides a method wherein after the recording of audio and video material is complete, one or more components of the Haivision System provides access to the entire audio and video recording.



See <https://youtu.be/N2spxdVKNbY>

69. On information and belief, Haivision directly infringes at least claim 1 of the '068 patent, and is in violation of 35 U.S.C. § 271(a) by using and providing Haivision.

70. Haivision's direct infringement has damaged Onstream and caused it to suffer and continue to suffer irreparable harm and damages.

Count II – Infringement of United States Patent No. 9,467,728

71. Onstream repeats, realleges, and incorporates by reference, as if fully set forth here, the allegations of the preceding paragraphs above.

72. On information and belief, Haivision (or those acting on its behalf) makes, uses, offers to sell, sells, and provides one or more components of the Haivision System. For this reason, Haivision infringes (literally and/or under the doctrine of equivalents) at least claims 1 and 21 of the '728 patent.

73. On information and belief, one or more components of the Haivision System employs and provides an Internet-based method that records audio and video material over an Internet browser connection established between a user front end and a host back end.

Stream and record video from up to 50 different cameras, allowing you to deliver multiple angles of important procedures.

See <https://www.haivision.com/solutions/performance-recording/>

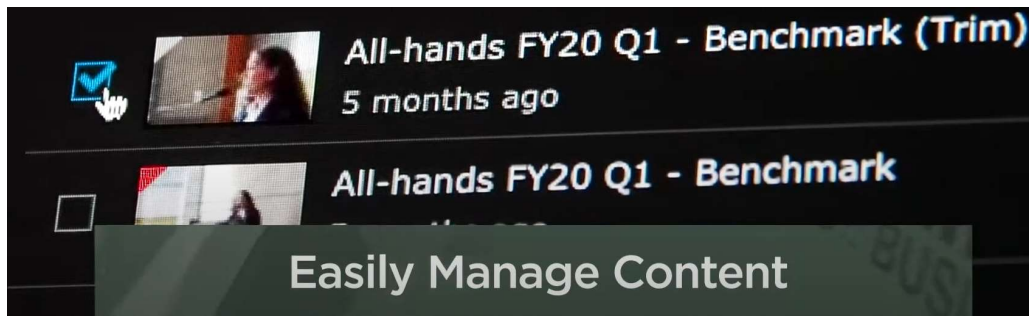
With a modern, HTML5 browser-based intuitive interface, getting access to content has never been easier for your employees. Haivision Media Platform is also IT friendly as it's simple to configure and manage from anywhere with an active connection to the enterprise network. Web-based management of set-top boxes also allows you to change channels, set volume, reboot, troubleshoot, and display emergency messaging on some, any or all of your set-top boxes, enterprise-wide.

See <https://www.haivision.com/blog/enterprise-video-answers/8-reasons-why-haivision-media-platform-is-the-most-complete-enterprise-video-solution/>

74. On information and belief, one or more components of the Haivision System, including particularly and without limitation Haivision's servers, transmits via a network a platform-independent web application, which initiates the streaming of

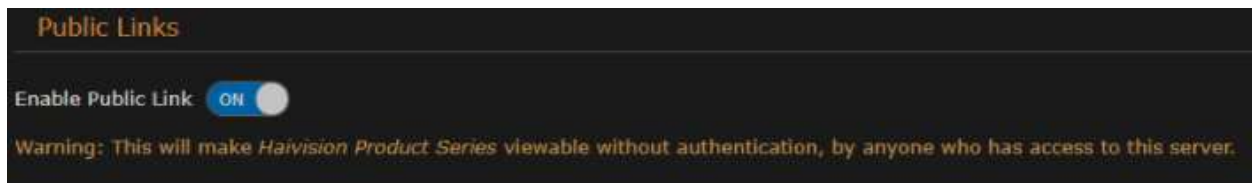
audio and video material from a user's device as the audio and video material is being captured by that device.

75. On information and belief, one or more components of the Haivision System records audio and video material on Haivision's servers via the Haivision web application and stores that audio and video material as a complete file.



See <https://youtu.be/N2spxdVKNbY>

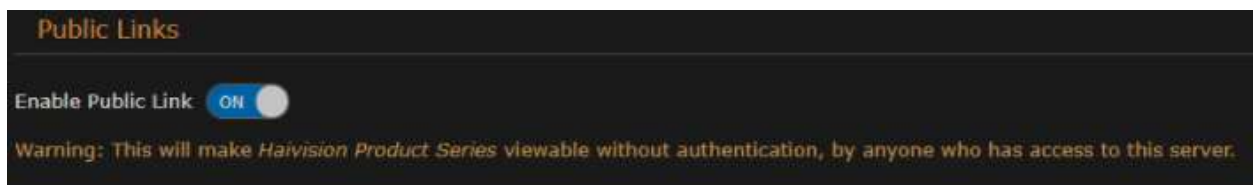
76. On information and belief, one or more components of the Haivision System generates one or more codes, including without limitation codes comprising a particular Studio Video Object ID, including but not limited to Universal Resource Locator (URL) and Hyper Text Mark-Up Language (HTML) codes, which are associated with the recorded and stored audio and video to facilitate accessing the recorded and stored audio and video material from an additional location.



See <https://doc.haivision.com/HMP3.4/user-s-guide/scheduling-and-managing-events-sessions/using-public-links-to-share-sessions?searchTerm=share%20link>

77. On information and belief, the content of the one or more codes generated by one or more components of the Haivision System depends on the type of code supported by the additional location. On information and belief, the content of the one or more codes generated by one or more components of the Haivision System depends on, among other things, the data transfer protocols that are supported by the client and/or device from which another user of Haivision is accessing the audio and video material.

78. On information and belief, one or more components of the Haivision System enables the copying and pasting of codes associated with the recorded and stored audio and video material, including without limitation codes comprising a particular Studio Video Object ID, including but not limited to URL and HTML codes, to additional locations, wherein the activation of such a code provides access to the recorded audio and video from additional locations.



See <https://doc.haivision.com/HMP3.4/user-s-guide/scheduling-and-managing-events-sessions/using-public-links-to-share-sessions?searchTerm=share%20link>

79. On information and belief, Haivision directly infringes at least claims 1 and 21 of the '728 patent, and is in violation of 35 U.S.C. § 271(a) by using and providing Haivision.

80. Haivision's direct infringement has damaged Onstream and caused it to suffer and continue to suffer irreparable harm and damages.

Count III - Infringement of United States Patent No. 10,038,930

81. Onstream repeats, realleges, and incorporates by reference, as if fully set forth here, the allegations of the preceding paragraphs above.

82. On information and belief, Haivision (or those acting on its behalf) makes, uses, offers to sell, sells, and provides one or more components of the Haivision System.

83. Haivision infringes (literally and/or under the doctrine of equivalents) at least claim 1 of the '930 patent.

84. On information and belief, one or more components of the Haivision System employs a method that transmits via a network a browser-independent recording application from Haivision's servers to the devices used by Haivision's users.

85. On information and belief, one or more components of the Haivision System receives a media stream from the devices used by Haivision's users.

86. On information and belief, the media streams that are transmitted to one or more components of the Haivision System are captured by Haivision's browser-independent recording applications, which execute in a browser.

Stream and record video from up to 50 different cameras, allowing you to deliver multiple angles of important procedures.

See <https://www.haivision.com/solutions/performance-recording/>

With a modern, HTML5 browser-based intuitive interface, getting access to content has never been easier for your employees. Haivision Media Platform is also IT friendly as it's simple to configure and manage from anywhere with an active connection to the enterprise network. Web-based management of set-top boxes also allows you to change channels, set volume, reboot, troubleshoot, and display emergency messaging on some, any or all of your set-top boxes, enterprise-wide.

See <https://www.haivision.com/blog/enterprise-video-answers/8-reasons-why-haivision-media-platform-is-the-most-complete-enterprise-video-solution/>

87. On information and belief, Haivision does not require the installation of record management software to be installed on the devices used by their users to access Haivision:

With a modern, HTML5 browser-based intuitive interface, getting access to content has never been easier for your employees. Haivision Media Platform is also IT friendly as it's simple to configure and manage from anywhere with an active connection to the enterprise network. Web-based management of set-top boxes also allows you to change channels, set volume, reboot, troubleshoot, and display emergency messaging on some, any or all of your set-top boxes, enterprise-wide.

See <https://www.haivision.com/blog/enterprise-video-answers/8-reasons-why-haivision-media-platform-is-the-most-complete-enterprise-video-solution/>

88. On information and belief, the media streams generated by the users of Haivision are recorded on one or more components of the Haivision System using the browser-independent recording application.

89. On information and belief, Haivision directly infringes at least claims 1 and 11 of the '930 patent, and is in violation of 35 U.S.C. § 271(a) by using and providing Haivision.

90. Haivision's direct infringement has damaged Onstream and caused it to suffer and continue to suffer irreparable harm and damages.

Count IV – Infringement of United States Patent No. 10,200,648

91. Onstream repeats, realleges, and incorporates by reference, as if fully set forth here, the allegations of the preceding paragraphs above.

92. On information and belief, Haivision (or those acting on its behalf) makes, uses, offers to sell, sells, and provides Haivision and sells and/or offers to sell products and services in the United States that use Haivision as a feature or component.

93. Haivision, infringes (literally and/or under the doctrine of equivalents) at least claim 1 of the '648 patent.

94. On information and belief, one or more components of the Haivision System employs an Internet-based recording method that performs all of its audio and video recording functions over an Internet browser connection established between a user front end and a host back end:

Stream and record video from up to 50 different cameras, allowing you to deliver multiple angles of important procedures.

See <https://www.haivision.com/solutions/performance-recording/>

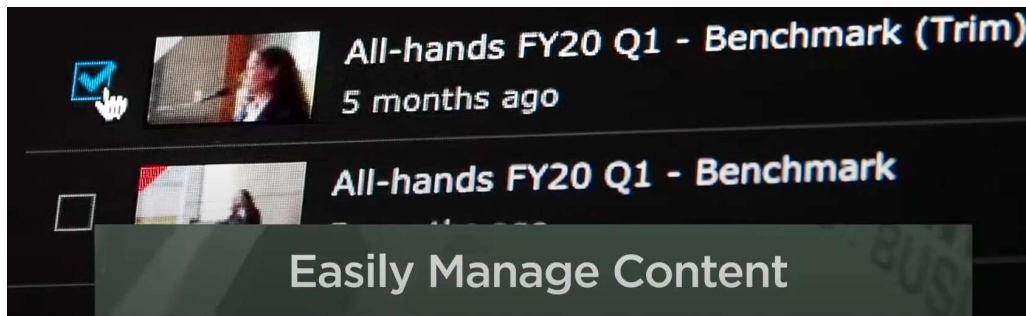
With a modern, HTML5 browser-based intuitive interface, getting access to content has never been easier for your employees. Haivision Media Platform is also IT friendly as it's simple to configure and manage from anywhere with an active connection to the enterprise network. Web-based management of set-top boxes also allows you to change channels, set volume, reboot, troubleshoot, and display emergency messaging on some, any or all of your set-top boxes, enterprise-wide.

See <https://www.haivision.com/blog/enterprise-video-answers/8-reasons-why-haivision-media-platform-is-the-most-complete-enterprise-video-solution/>

95. On information and belief, one or more components of the Haivision System records audio and video material that is created by a user over an internet

browser connection, without requiring recording functionality to be present in the user's device.

96. On information and belief, one or more components of the Haivision System stores audio and video material on Haivision's servers.



See <https://youtu.be/N2spxdVKNbY>

97. On information and belief, one or more components of the Haivision System generates one or more codes, including without limitation codes comprising a particular Studio Video Object ID, including but not limited to URL and HTML codes, associated with the recorded and stored audio and video, to facilitate accessing the recorded and stored audio and video material.

98. On information and belief, one or more components of the Haivision System enables the copying and pasting of code, including without limitation codes comprising a particular Studio Video Object ID, including but not limited to URL and HTML codes, to additional locations, wherein the activation of such a code provides access to the recorded audio and video from additional locations.



See <https://doc.haivision.com/HMP3.4/user-s-guide/scheduling-and-managing-events-sessions/using-public-links-to-share-sessions?searchTerm=share%20link>

99. On information and belief, Haivision directly infringes at least claims 1 of the '648 patent, and is in violation of 35 U.S.C. § 271(a) by using and providing Haivision.

100. Haivision's direct infringement has damaged Onstream and caused it to suffer and continue to suffer irreparable harm and damages.

Count V – Infringement of United States Patent No. 10,674,109

101. Onstream repeats, realleges, and incorporates by reference, as if fully set forth here, the allegations of the preceding paragraphs above.

102. On information and belief, Haivision (or those acting on its behalf) makes, uses, offers to sell, sells, and provides one or more components of the Haivision System, which infringes (literally and/or under the doctrine of equivalents) at least claim 1 of the '109 patent.

103. On information and belief, one or more components of the Haivision System employs and provides a method that records audio and video material over an Internet browser connection established between a user front end and a host back end.

Stream and record video from up to 50 different cameras, allowing you to deliver multiple angles of important procedures.

See <https://www.haivision.com/solutions/performance-recording/>

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See <https://www.haivision.com/blog/enterprise-video-answers/8-reasons-why-haivision-media-platform-is-the-most-complete-enterprise-video-solution/>

104. On information and belief, one or more components of the Haivision System can either be accessed through an Internet browser on a desktop computer or a mobile device.

With a modern, HTML5 browser-based intuitive interface, getting access to content has never been easier for your employees. Haivision Media Platform is also IT friendly as it's simple to configure and manage from anywhere with an active connection to the enterprise network. Web-based management of set-top boxes also allows you to change channels, set volume, reboot, troubleshoot, and display emergency messaging on some, any or all of your set-top boxes, enterprise-wide.

See <https://www.haivision.com/blog/enterprise-video-answers/8-reasons-why-haivision-media-platform-is-the-most-complete-enterprise-video-solution/>

105. On information and belief, when a user wants to begin streaming using one or more components of the Haivision System, one or more components of the Haivision System delivers a code, which can be executed by a browser.

106. On information and belief, one or more components of the Haivision System delivers a code that enables the streaming of audio and video material.

107. On information and belief, one or more components of the Haivision System delivers a browser-executable-code that is a browser independent recording application.

108. On information and belief, one or more components of the Haivision System delivers a code that is executed through a browser at a client device.

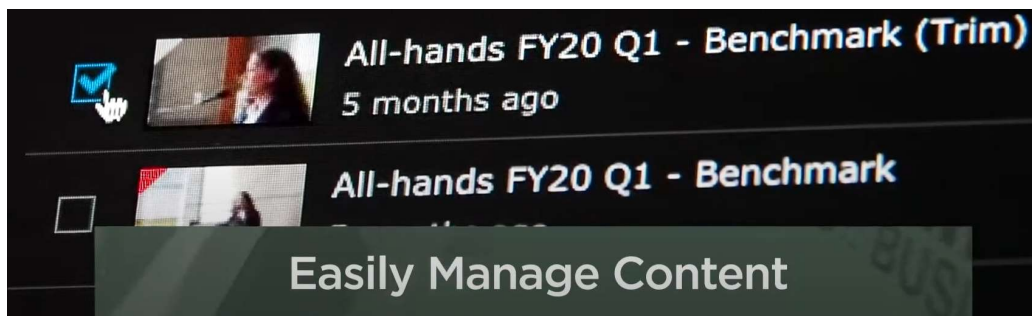
109. On information and belief, one or more components of the Haivision System uses an Internet connection.

110. One or more components of the Haivision System employs and provides a method wherein audio and video material is streamed over the Internet as the audio and video material is captured by a recording device.

111. On information and belief, one or more components of the Haivision System uses and provides a method wherein audio and video material is captured without using any recording software installed on a client device.

112.

113. On information and belief, one or more components of the Haivision System uses and provides a method wherein the audio and video material are recorded on the host back end as a complete file.



See <https://youtu.be/N2spxdVKNbY>

114. On information and belief, Haivision directly infringes at least claim 1 of the '109 patent, and is in violation of 35 U.S.C. § 271(a) by using and providing the Haivision.

115. Haivision's direct infringement has damaged Onstream and caused it to suffer and continue to suffer irreparable harm and damages as a result of Haivision's infringement.

Count VI – Infringement of United States Patent No. 10,694,142

116. Onstream repeats, realleges, and incorporates by reference, as if fully set forth here, the allegations of the preceding paragraphs above.

117. On information and belief, Haivision (or those acting on its behalf) makes, uses, offers to sell, sells, and provides one or more components of the Haivision System, which infringes (literally and/or under the doctrine of equivalents) at least claim 1 of the '142 patent.

118. On information and belief, one or more components of the Haivision System employs and provides a method that records audio and video material over an Internet browser connection established between a user front end and a host back end.

Stream and record video from up to 50 different cameras, allowing you to deliver multiple angles of important procedures.

See <https://www.haivision.com/solutions/performance-recording/>

With a modern, HTML5 browser-based intuitive interface, getting access to content has never been easier for your employees. Haivision Media Platform is also IT friendly as it's simple to configure and manage from anywhere with an active connection to the enterprise network. Web-based management of set-top boxes also allows you to change channels, set volume, reboot, troubleshoot, and display emergency messaging on some, any or all of your set-top boxes, enterprise-wide.

See <https://www.haivision.com/blog/enterprise-video-answers/8-reasons-why-haivision-media-platform-is-the-most-complete-enterprise-video-solution/>

119. On information and belief, one or more components of the Haivision System can either be accessed through an Internet browser on a desktop computer or a mobile device.

With a modern, HTML5 browser-based intuitive interface, getting access to content has never been easier for your employees. Haivision Media Platform is also IT friendly as it's simple to configure and manage from anywhere with an active connection to the enterprise network. Web-based management of set-top boxes also allows you to change channels, set volume, reboot, troubleshoot, and display emergency messaging on some, any or all of your set-top boxes, enterprise-wide.

See <https://www.haivision.com/blog/enterprise-video-answers/8-reasons-why-haivision-media-platform-is-the-most-complete-enterprise-video-solution/>

120. On information and belief, when a user wants to begin streaming using one or more components of the Haivision System, one or more components of the Haivision System delivers a code, which can be executed at a user front end.

121. On information and belief, one or more components of the Haivision System delivers a code that is executed at the user front end to initiate the streaming of audio and video material as it is being captured by one or more capturing devices at the user front end to the host back end.

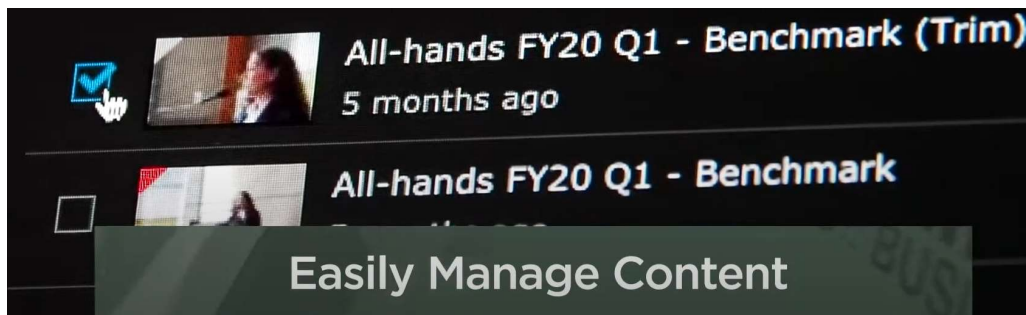
122. On information and belief, one or more components of the Haivision System delivers a code that is executed through a browser at the user front end without being installed.

123. On information and belief, one or more components of the Haivision System uses an Internet connection.

124. One or more components of the Haivision System employs and provides a method wherein audio and video material is streamed over the Internet as the audio and video material is captured by a recording device.

125. On information and belief, one or more components of the Haivision System uses and provides a method that does not require transmission of a complete audio and video file from the user front end. Rather, on information and belief, a stream of audio and video material is transmitted to one or more components of the Haivision System as the audio and video material is being captured.

126. On information and belief, one or more components of the Haivision System uses and provides a method wherein the audio and video material are recorded on the host back end.



See <https://youtu.be/N2spxdVKNbY>

127. On information and belief, Haivision directly infringes at least claim 1 of the '142 patent, and is in violation of 35 U.S.C. § 271(a) by using and providing the Haivision.

128. Haivision's direct indirect infringement has damaged Onstream and caused it to suffer and continue to suffer irreparable harm and damages.

Count VII – Infringement of United States Patent No. 10,848,707

129. Onstream repeats, realleges, and incorporates by reference, as if fully set forth here, the allegations of the preceding paragraphs above.

130. On information and belief, Haivision (or those acting on its behalf) makes, uses, offers to sell, sells, and provides one or more components of the Haivision System, which infringes (literally and/or under the doctrine of equivalents) at least claim 1 of the '707 patent.

131. On information and belief, one or more components of the Haivision System employs and provides a method receiving, at one or more host back end application servers through at least a packet-based network connection, streamed digital audio and digital video material being streamed from a front end digital audio and digital video capturing device..

Stream and record video from up to 50 different cameras, allowing you to deliver multiple angles of important procedures.

See <https://www.haivision.com/solutions/performance-recording/>

With a modern, HTML5 browser-based intuitive interface, getting access to content has never been easier for your employees. Haivision Media Platform is also IT friendly as it's simple to configure and manage from anywhere with an active connection to the enterprise network. Web-based management of set-top boxes also allows you to change channels, set volume, reboot, troubleshoot, and display emergency messaging on some, any or all of your set-top boxes, enterprise-wide.

See <https://www.haivision.com/blog/enterprise-video-answers/8-reasons-why-haivision-media-platform-is-the-most-complete-enterprise-video-solution/>

132. On information and belief, one or more components of the Haivision System can either be accessed through an Internet browser on a desktop computer or a mobile device.

With a modern, HTML5 browser-based intuitive interface, getting access to content has never been easier for your employees. Haivision Media Platform is also IT friendly as it's simple to configure and manage from anywhere with an active connection to the enterprise network. Web-based management of set-top boxes also allows you to change channels, set volume, reboot, troubleshoot, and display emergency messaging on some, any or all of your set-top boxes, enterprise-wide.

See <https://www.haivision.com/blog/enterprise-video-answers/8-reasons-why-haivision-media-platform-is-the-most-complete-enterprise-video-solution/>

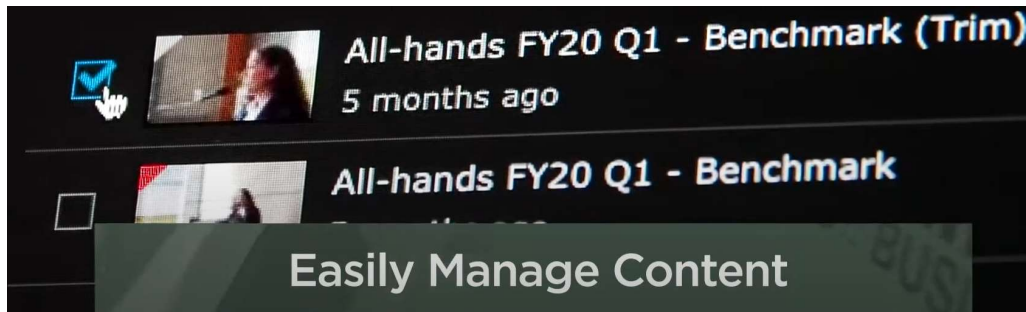
133. On information and belief, one or more components of the Haivision System uses an Internet connection.

134. One or more components of the Haivision System employs and provides a method wherein the streamed digital audio and digital video material is captured on the front end digital audio and digital video capturing device without requiring on the front end digital audio and digital video capturing device local installation of recording software that is configured to record digital audio and digital video material as a complete file to a local storage memory.

135. On information and belief, one or more components of the Haivision System uses and provides a method for remotely recording the streamed digital audio and digital video material over at least the packet-based network connection at the one or more host back end application servers as a sequentially stored file.

136. On information and belief, one or more components of the Haivision System uses and provides a method of generating a pointer comprising a URL

associated with the sequentially stored file to facilitate accessing of the sequentially stored file.



See <https://youtu.be/N2spxdVKNbY>

137. On information and belief, one or more components of the Haivision System uses and provides a method for enabling additional digital material comprising (i) digital still image material, (ii) digital audio material, (iii) digital video material, (iv) digital video material and digital audio material, (v) digital still image material and digital video material, (vi) digital still image material and digital audio material, or (vii) digital still image material, digital audio material, and digital video material, to be associated with the sequentially stored file at the one or more host back end application servers.

138. On information and belief, one or more components of the Haivision System provides remote user access to the sequentially stored file and the additional digital material in response to activation of the pointer comprising the URL.



See <https://doc.haivision.com/HMP3.4/user-s-guide/scheduling-and-managing-events-sessions/using-public-links-to-share-sessions?searchTerm=share%20link>

139. On information and belief, Haivision directly infringes at least claim 1 of the '707 patent and is in violation of 35 U.S.C. § 271(a) by using and providing the Haivision.

140. Haivision's direct infringement has damaged Onstream and caused it to suffer and continue to suffer irreparable harm and damages.

JURY DEMANDED

141. Pursuant to Federal Rule of Civil Procedure 38(b), Onstream hereby requests a trial by jury on all issues so triable.

PRAYER FOR RELIEF

Onstream respectfully requests this Court to enter judgment in Onstream's favor and against Haivision as follows:

- a. finding that Haivision has infringed one or more claims of the '068 patent under 35 U.S.C. §§ 271(a);
- b. finding that Haivision has infringed one or more claims of the '728 patent under 35 U.S.C. §§ 271(a);
- c. finding that Haivision has infringed one or more claims of the '930 patent under 35 U.S.C. §§ 271(a);
- d. finding that Haivision has infringed one or more claims of the '648 patent under 35 U.S.C. §§ 271(a);

- e. finding that Haivision has infringed one or more claims of the '109 patent under 35 U.S.C. §§ 271(a);
- f. finding that Haivision has infringed one or more claims of the '142 patent under 35 U.S.C. §§ 271(a);
- g. finding that Haivision has infringed one or more claims of the '707 patent under 35 U.S.C. §§ 271(a);
- h. awarding Onstream damages under 35 U.S.C. § 284, or otherwise permitted by law, including supplemental damages for any continued post-verdict infringement;
- i. awarding Onstream pre-judgment and post-judgment interest on the damages award and costs;
- j. awarding cost of this action (including all disbursements) and attorney fees pursuant to 35 U.S.C. § 285, or as otherwise permitted by the law; and
- k. awarding such other costs and further relief that the Court determines to be just and equitable.

Dated: June 30, 2021

Respectfully submitted,

/s/Raymond W. Mort, III

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